



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Bechoros Daf Chuf Daled

- The Gemara has just said that **R' Shimon ben Gamliel** said that we can assume that when an animal is nursing a baby it must be that it is its own baby.
 - **Q:** Is this assumption true only when the animal hadn't just given birth, but if it had just given birth we must be concerned that it is caring for the baby of another animal, or is this assumption even when the animal just gave birth – an animal only takes care of its own babies? The importance of knowing this is for purposes of oso v'es beno – if we say an animal only cares for its own babies, then if we see it caring for a baby and then someone shechts the animal and that baby on the same day he will get malkus! **A:** Maybe we can answer from our Mishna, where **R' Shimon ben Gamliel** said that when one buys an animal from a goy and it is nursing a baby animal we can say that it is the animal's baby and need not be concerned that it is caring for the baby of another animal. We see that an animal only nurses its own babies.
 - The Gemara says this is not a proof. The Mishna uses the past tense when it says that we are not concerned that the baby "was" the baby of another animal. The Mishna is saying that if we see that the animal is nursing a baby we would not have to be concerned that the baby is the baby of another animal unless the nursing animal had itself had a baby of its own. Based on this understanding it may be that when an animal has a baby it would then care of the baby of another animal.
 - **Q:** Maybe we can answer from the Mishna where it said that if a person enters his flock and sees that animals that had never yet given birth are now nursing a baby (their babies are certainly bechors) and there are also animals that had already previously given birth which are now nursing new babies (their babies are not bechors), we don't have to be concerned that maybe the babies of one animal went to nurse from another mother. Rather, we say that the baby nursing from each mother is the baby that was just born to that mother. We see that even after giving birth an animal does not care for the baby of another animal! **A:** It may be that when its own baby is present it won't care for the baby of another animal, but if its own baby wasn't present it would.
 - **Q:** Maybe we can answer from the Braisa that said, **R' Shimon ben Gamliel** says that when buying an animal from a goy we follow the assumption that each mother is busy with its own baby, and then says that similarly, if a person saw in his flock that the animals that had not previously given birth were nursing females and the ones that had given birth were nursing males, we can assume that each baby is nursing from its own mother and there is no bechor. Presumably, just as the second part means we say it is definitely the animal's baby, the same is true for the first part, which means that we say with definite conviction that an animal only cares for its own baby! **A:** It may mean that it shows that it definitely had another baby previously and the main point is that in both cases they are patur from bechor.
- **Rabbah bar bar Chana in the name of R' Yochanan** said, if one saw a pig clinging to a sheep and nursing from it, the sheep is patur from bechor (if it gives birth to a male it is patur) and the pig is assur to be eaten until Eliyahu comes and paskens for us as to what to do.
 - **Q:** The sheep is patur from bechor based on **R' Shimon ben Gamliel** (who said that an animal doesn't nurse another animal's baby, and so the pig must come from the sheep), but it is assur to be eaten based on the view of the **Rabanan** (who say that it may be that the pig is not from the sheep). These statements are contradictory!? Also,

according to the **Rabanan** why do we need Eliyahu to come and *pasken* for us? We just need him to come and *tell* us whether the pig comes from the sheep or not!? You can't answer and say that **R' Yochanan** was unsure whether to pasken like **R' Shimon** or the **Rabanan**, because if he was, he should not have been meikel and made it patur from bechor! Furthermore, we know that he is not unsure who to pasken like, because **Rabbah bar bar Chana in the name of R' Yochanan** said that we always pasken like **R' Shimon ben Gamliel** in a Mishna except for 3 cases (and this is not one of those three cases)!? **A:** In truth, **R' Yochanan** paskens like **R' Shimon**, but he is unsure whether **R' Shimon** held that after giving birth an animal would care for a baby that is not its own.

- **Q:** If that is the basis of **R' Yochanan's** ruling, why didn't he instead give the case of a baby sheep and a sheep instead of a baby pig and a sheep, and his safek would have been regarding whether shechting this animal and this baby would make one chayuv in malkus for oso v'es beno!? **A:** If he would have given the case of a baby sheep and a sheep we would have said that even if he holds an animal may care for another animal's baby that is only when it is of the same species. He therefore gives the case of the pig to teach that he is unsure whether **R' Shimon** would hold that an animal may at times even care for the baby of another species of animal. In fact, we find that **R' Yochanan** quoted the question of **R' Achai Beribi**, regarding where a pig is seen nursing from a sheep. The Gemara explains that the question is according to the **Rabanan** regarding bechor and according to **R' Shimon** regarding eating the pig, and the question is that if we say that an animal will nurse another animal's baby, is that only true of an animal that is of its own species or is it even when the baby is of an animal that is other than its own species? The Gemara remains with a **TEIKU**.

MISHNA

- **R' Yose ben Hameshulem** said, if someone wants to shecht a bechor (and wants to remove the hair of the place of the shechita to allow for a proper shechita), he may make a place on each side using a meat cleaver and may even pull out the hair, as long as he doesn't then remove the detached hair from its place. The same would apply to someone who pulls out its hair to gain better visibility of a mum.

GEMARA

- **Rav** said, the halacha follows **R' Yose ben Hameshulem**.
 - They asked **R' Huna**, what is the halacha in the similar case of one who wants to remove hair of a regular animal's neck on Yom Tov to allow for a proper shechita? Is the reason of **R' Yose ben Hameshulem** for allowing the pulling out of the hair, because he holds that is not called "shearing" and that is why it is mutar for a bechor but would still be assur on Yom Tov because it is detaching something that is attached, or does **R' Yose ben Hameshulem** hold that pulling out is "shearing" and the reason he allows it by bechor is because the person is not intending to pull out the hair but instead only wants to make more room for the shechita, and that reason would equally apply to Yom Tov as well? **R' Huna** told them to go and ask **R' Chananel** (who was a talmid of **Rav**) whether the halacha follows **R' Yose ben Hameshulem**, and if he tells you that it does I will be able to answer your question. They went and asked and **R' Chananel**, who told them that **Rav** paskened like **R' Yose ben Hameshulem**. They told this to **R' Huna** who then told them, the similar case of doing so on Yom Tov would be mutar.
 - We have also learned that **R' Chananya bar Shlemya in the name of Rav** said that in the similar case of Yom Tov it would also be mutar.
 - **Q:** How can we say that **Rav** holds that an unintended act is mutar? We find that **R' Chiya bar Ashi in the name of Rav** said it is assur to push a cloth beer stopper tightly on Yom Tov because he squeezes beer from the cloth – even though this is not intended!? **A:** Even **R' Shimon** (who says that an unintended act is mutar) would agree that this would be assur, because it is an inevitable result, and **Abaye and Rava** said that **R' Shimon** agrees that when the result is inevitable even **R' Shimon** would agree that the unintended act is assur.

- **Q:** We find that **R' Chiya bar Ashi in the name of Rav** said that the halacha follows **R' Yehuda** (who says that an unintended act is assur)!?
A: Rather, **Rav** holds such an act is assur. The reason why pulling the hair of the bechor is mutar is because pulling is not “shearing”. The reason it is mutar on Yom Tov is because it is done “kilachar yad” (in an unusual way).
 - **Q:** We find that if someone pulls off a feather from a bird on Shabbos he is chayuv for “shearing”, which shows that pulling is shearing!? **A:** Pulling a *feather from a bird* is considered shearing, but pulling hair off an animal is not.